

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 3, 2012

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Blazar, Merrill, Baker & Rice

Absent: Ald. Fischman

Also present: Ald. Yates , Crossley & Kalis

Also present: Marcia Cooper, President, Green Decade, Allison Leary, Dori Zaleznik,
Commissioner, Health and Human Services

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#302-12 HIS HONOR THE MAYOR, with the support of Ald. Rice, Crossley, Yates, Fischman, and Kalis, requesting authorization to execute a 99-year lease between the City of Newton and the Massachusetts Bay Transportation Authority (MBTA) for .97 miles of unused MBTA rail bed that runs parallel to Needham Street to create a multi-purpose recreational pathway. [09/24/12 @ 5:00 PM]

ACTION: **HELD 7-0**

NOTE: This item was discussed in a joint meeting with the Public Facilities Committee. Please see the October 3, 2012 Public Facilities Committee report for the details of this discussion.

Appointment by His Honor the Mayor

#265-12 DINA CONLIN, 46 Shornecliffe Road, Newton, appointed as a member of the LICENSING BOARD, for a term of office to expire the first Monday of June 2018 pursuant to G.L. chapter 138 Section 5. [08-23-12 @10:24 AM]

ACTION: **APPROVED 7-0**

NOTE: Ms. Conlin addressed the Committee. She explained that she is a real estate lawyer and has lived in Newton for 5 years. She has wants to be more involved in the community and has a particular interest in the restaurants and victualers that are being opened in the city. She has attended two meetings of the Licensing Board and she feels she can contribute in a positive way. Ald. Linsky added that he felt her area of expertise could be of benefit to the Board. Ald. Sangiolo mentioned that some issues with the Hotel Indigo could be forthcoming and wanted Ms. Conlin to be aware of that. The Committee voted to approve this appointment unanimously.

Appointment by His Honor the Mayor

#286-12 DONALD FISHMAN, 68 Littlefield Road, Newton Centre, currently an *alternate member*, appointed as a full member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 5-0-1, Ald. Blazar abstaining; Ald. Linsky not voting**

NOTE: Mr. Fishman joined the Committee. He stated that he has served on the Commission this past year and they have looked at off-leash questions, building a new structure at the Auburndale Lions Field, issues with kayaks, as well as the Hyde School and many others. There are 74 parks and he would like to continue to serve to address the many interesting issues that have come up and will continue to come up.

Ald. Blazar mentioned that he was concerned with the issues at Crystal Lake and he has not been satisfied with the way the Parks & Recreation Commission handled it. He would like to see more hours for swimming and the Commission refused to even discuss it, in his view. He asked Mr. Fishman what his feeling are on Crystal Lake. He said that he was not in attendance for that discussion. He noted that there are a lot of issues around swimming in Newton including the Gath Pool, hours at Crystal Lake, swimming at one's own risk etc. The Commission has done has set up working groups designed to bring interested parties together to discuss the issues. He believes this is a proper course of action to work through the various points of view and get the facts and opinion disseminated to all involved. Ald. Blazar expressed his disappointment that the Board of Aldermen seem to have no say in these issues. Ald. Sangiolo said that a public hearing on Crystal Lake should be in order.

Ald. Rice said he appreciates all the work that has been done on the Parks & Recreation Commission. The Crystal Lake Conservancy will be having a meeting with conjunction with the Friends of Crystal Lake as well as other interested groups at the Hyde Center. He felt that members of the Parks & Recreation Commission should be there to see the various presentations and overviews. Ald. Baker moved to approve Mr. Fishman's appointment and the Committee voted to approve with Ald. Blazar abstaining.

Appointment by His Honor the Mayor

#287-12 JOSEPH FRASSICA, 123 Spiers Road, Newton Centre appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **HELD 6-0, Ald. Linksy not voting**

NOTE: Mr. Frassica was not present at the meeting. The Committee voted to hold this appointment.

Appointment by His Honor the Mayor

#289-12 INDIRA DESAI, 14 Clements Road, Newton, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a one-year term to expire January 31, 2014 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 6-0, Ald. Linksy not voting**

NOTE: Ms. Desai addressed the Committee. She is a nutritionist and received her doctorate in nutrition at Boston University. She has been a resident of Newton for many years and believes she can contribute to the Council with her time and area of expertise. The Committee voted to approve this appointment.

Appointment by His Honor the Mayor

#290-12 PETER BUECHLER, 177 Winchester Street, Newton Highlands, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a one-year term to expire January 31, 2014 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 6-0, Ald. Linsky not voting**

NOTE: Mr. Buechler addressed the Committee. He explained that he is a marketing consultant and has lived in Newton since 1997. He was involved in local health care when he lived in Philadelphia and felt that this would be a good chance to help out in the Newton community. He has done some work at the Senior Center and would like to do more. The Committee voted to approve this appointment.

Appointment by His Honor the Mayor

#291-12 BRENDA MULLIGAN, 109 Adena Road, West Newton, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a two-year term to expire January 31, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 6-0, Ald. Linsky not voting**

NOTE: Ms. Mulligan explained that she is the Communications Director for the Dana Farber Cancer Center and her specialty is in writing large, complicated government grants. She is interested in being a part of this Advisory Council so that she can be more connected to this community and be engaged at the policy level and also with communications. The Committee voted to approve this appointment.

Appointment by His Honor the Mayor

#292-12 BETTY COHEN, 104 Manet Road, Newton Centre, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a two-year term to expire January 31, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 6-0, Ald. Linsky not voting**

NOTE: Ms. Cohen stated that she has a background in public health and information services. Public Health has always been her passion and she would like to bring her expertise in public health, social work and information services to this council. The Committee voted to approve this appointment.

Appointment by His Honor the Mayor

#294-12 KRISZTINA A. BUKER-DOCZY, 32 Union Street, Newton Centre, as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 6-0, Ald. Linsky not voting**

NOTE: Dr. Buker-Doczy introduced herself and noted that she is a pediatrician. She moved to Newton 4 years ago and was in private practice in New York for 9 years before that. She has a

practice in Newton now. She would very much like to volunteer her time and give back to her community. The Committee voted to approve this appointment.

Appointment by His Honor the Mayor

#293-12 ARIC PARNES, 43 Beverly Road, Newton Highlands, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **HELD 6-0, Ald. Linsky not voting**

NOTE: Mr. Parnes was not present at the meeting. The Committee voted to hold his appointment.

Re-appointment by His Honor the Mayor

#288-12 JULIA FELDMAN, 50 Commonwealth Park West, Newton Centre, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12. [09-14-12 @3:04PM]

ACTION: **APPROVED 6-0, Ald. Linsky not voting**

NOTE: The Committee voted to approve Ms. Feldman's re-appointment.

Dori Zaleznik, Commissioner of Health and Human Services, addressed the Committee. She said this is a 9 member council with both Newton Ordinance and State law because Newton is a City and therefore doesn't have a Board itself. The ordinance proscribes that there are 2 physicians and 5 community members with staggered terms. She explained that when she became the Commissioner, the membership on the Council had been in place for a long time, and there were vacancies that needed to be filled, and then some members retired after 30 years of service. She was excited with the level of interest because they had several other people interested in serving on the Commission but they could not accommodate them. There will be three members continuing from past terms and 6 new members.

Re-appointment by His Honor the Mayor

#285-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **HELD 6-0, Ald. Linsky not voting**

NOTE: Ald. Sangiolo stated that usually the Committee does not require candidates for re-appointment to attend the meeting. Ald. Blazar would like to meet with Mr. Johnson as a current member of the Commission, however, because he has some questions regarding Crystal Lake. The Committee voted to hold this appointment and invite Mr. Johnson to attend the next meeting.

Re-appointment by His Honor the Mayor

#192-12 JOHN NEVILLE, 86 High Street, Newton Upper Falls, re-appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire April 1, 2015 (60 days 09/07/12). [06/20/12 @11:14 AM]

ACTION: **APPROVED 6-0, Ald. Linksy not voting**

NOTE: The Committee voted to approve Mr. Neville's re-appointment

#295-12 ALD. LINSKY AND BAKER recommending an amendment to §12-67 of the City of Newton Ordinances to provide that the Health Care Advisory Committee shall issue its report by a date certain as set by the Mayor and Board of Aldermen and thereafter by request of the Mayor and Board of Aldermen [09/24/12 @ 11:28 PM]

ACTION: **APPROVED AS AMENDED 7-0**

NOTE: Ald. Linsky explained that the many qualified and interesting people have shown interest in being on the Health Care Advisory Committee. The ordinance calls for 10: 5 to be appointed by the Board and; 5 to be appointed by the Mayor. There has been a problem with Mayoral appointments based on the timing of the reporting. In order to address this problem, the ordinance has been redrafted and is satisfactory to the Mayor and the Law Department. What will have to be done is to find an agreeable date by which this Committee will issue its report and can be a public service as it is envisioned to the community. The date will be set with a conversation with the Mayor. The date does not have to be set in the ordinance. Ald. Baker would like to amend by changing "Board of Aldermen" to "the President of the Board of Aldermen". Ald. Linsky agreed with that change. Ald. Blazar wondered if this could be done without the Mayor as it could be more efficient and he sees not much interest from the Mayor's office. Ald. Linsky would simply like to change the timing of the reporting in order to facilitate the entire process.

The Committee voted to approve the changes as amended:

Sec.12-67. Reports and recommendations

The Committee shall issue reports to the Mayor and the President of the Board of Aldermen on its findings. The first such report shall issue by a date certain as set by the Mayor and the President of the Board of Aldermen. Thereafter, the committee shall issue such reports upon request of the Mayor and/or the Board of Aldermen.

#266-12 ALD. YATES proposing that the Rules & Orders of the Board of Aldermen be amended to conform to the standard practice that only zoning map changes relating to special permit petitions shall be referred to the Land Use Committee and all zoning map changes relating to individual, specific parcels be referred to Zoning & Planning Committee. [08-17-12 @1:32 PM]

ACTION: **APPROVED SUBJECT TO SECOND CALL 7-0**

NOTE: Ald. Yates said this is based on recent discussions regarding Austin St. and sending the Austin St. issue to the Zoning and Planning Committee. The rules are they are stated say that

single site zone changes shall go to Land Use. In terms of prudence on that, the Zoning and Planning Committee had dealt with the issue and the new zone and it made more sense for it to go there. Ald. Hess-Mahan said that it's always been the practice that when there is a zone change without any sort of special permit it does go to Zoning and Planning, but there is no rule that provides for that, and in fact provides that it goes to land use instead. This would just be changing things to conform to the rules. The Committee needs language from the Law Department and approved this subject to second call. *The language will be submitted separate from this report as an addendum. Please look for it in the Friday packet materials.*

#162-11(2) DIRECTOR OF PLANNING & DEVELOPMENT requesting a letter of support from the Board of Aldermen for the Draft *2013-2020 Recreation and Open Space Plan*. [08-06-12 @11:53AM]

ACTION: **HOLD 7-0**

NOTE: Ald. Sangiolo says she has not seen the final report of the Plan. Therefore, she moved to hold this item until there is more information. The Committee voted to hold this item.

#230-12 ALD. SANGIOLO requesting the establishment of guidelines and policies regarding the creation of Neighborhood Area Councils particularly with respect to (1) boundary delineations and (2) description of area council authority. [08-06-12 @4:39PM]

ACTION: **HOLD 7-0**

NOTE: Ald. Sangiolo said this is in direct relation to the Ward 6 issue regarding an area council. She would like to have some guidelines going forward when they go through the signature collecting process and so forth. Ald. Rice would like to scope out some ideas about voting as well and proposed a subgroup to look at this issue. Ald. Sangiolo agreed. Ald. Rice said the Charter sets up that an area council could be created by any citizens. Ald. Hess-Mahan asked what an Area Council can actually do. Ald. Rice said it can't do zoning, but it can run public hearings, and many local issues are brought to area councils. They do community events and building and mitigation of problems. Ward Aldermen are involved in the councils and they hear issues as well. They do not have any legislative authority. Ald. Sangiolo said there is nothing necessarily wrong with citizens putting together a group, it just should not prohibit other groups from doing something similar. Therefore, she would like to see a defined process. They would like to amend the item by adding (3) *review of processes for signatures collected and voting.*

The Committee voted to hold this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY
proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @4:34 PM]

ACTION: **HOLD 7-0 with Public Meeting scheduled for November 7**

NOTE: Ald. Sangiolo noted that she intended this first discussion to be a scoping meeting only. She would like to see this heard at a public meeting. Ald. Hess-Mahan said this proposal is based on programs that have been very successful in other communities. He read a study that was done by a county in San Francisco about the success of their program. It requires retail and grocery stores to charge a user fee for single use plastic bags and certain paper bags that aren't made from at least 40% recycled material. The purpose of it is to reduce the amount of pollution and impact on the environment from the disposal of these types of bags. This has resulted in some real problems for both land and marine animals. There is a gigantic plastic garbage bag patch out in the middle of the north Pacific about the state of Hawaii. Animals are ingesting with devastating results. During the last flood, when the waters receded, the trees were littered with these plastic bags. Some places have instituted bans but noncompliance can be a problem. Using this model in combination with perhaps a discount for using tote bags may be successful. The ultimate goal is to discontinue use of the single use plastic bags. In the meantime, putting a premium on their use by charging a fee could be an effective deterrent.

Marcia Cooper, President of Green Decade Newton, addressed the Committee. She said that many of their members have very high levels of expertise. Reducing the use of plastic bags and reducing the problems they bring with them is their goal. People have made efforts to bring their own bags to the market, but more needs to be done. This may help people understand why they are so detrimental to the environment. Ald. Hess-Mahan said that the cost could be perhaps 5 or 10 cents per bag but the public meeting could bring more information into the discussion. The fee that was charged in Washington, DC generated \$150,000 in revenue which was used to clean up the river. The fee that people will pay for using plastic bags will go towards mitigating the problems that they cause. The Eldrige bill is now in front of the legislature to ban plastic bags and has been amended a few times. Ald. Hess-Mahan is not looking for a ban at this point.

Allison Leary introduced herself to the Committee. She has co-chaired the League of Women Voters Environmental Committee although she said she was attending this meeting as a private citizen. She is also a Board member of the Newton Conservators and is very concerned about environmental issues, especially plastics and the marine environment. She just attended a zero-waste workshop in Cambridge and she feels this is an easy step towards that goal. It has been proven to change consumer behavior. She sees this as similar to the higher taxes on cigarettes that went towards prevention programs. She also sees this similar to the reduction of pesticide use. There is no way to know how this will affect future generations. These plastics are getting into the food chain and this is alarming. If the oceans are in trouble, the planet is in big trouble. This proposal is part of being a more sustainable and environment friendly community. She has been working at the state level, but she feels there is no leadership there. Other bills have died in

Committee. Second generation plastic bag bans have proven to be most successful. The American Chemistry Council industry passed a law that prohibits communities from adding a fee or tax to single use plastic bags so some communities have gotten around that by banning them completely. Banning plastic bags and charging a fee for some paper bags has been most effective. Newton right now does not recycle plastic bags. They have to be returned to the grocery store and many people don't understand this and put the bags into recycling. They also cause problems by getting into sewers and storm water drains. She noted that the vegetation by the river is completely littered with them and they are extremely difficult to clean up.

Ms. Leary said she has more information and other model ordinances should the Committee like to see them. Ald. Hess-Mahan feels the fee could get more traction than the ban. Ald. Baker noted that Shaw's supermarket did support this in Barrington and they decided to outright ban them. Most supermarkets have been opposed to banning them but some have allowed discounts for bringing your own bags.

Ald. Hess-Mahan said he wondered if there should be a public meeting to see if there is any support, or draft some language in preparation for the public meeting so that there are points of discussion. There are plenty of models than can be used. Ald. Baker said the environmental problems are quite severe and he would like to see a document and draft ordinance that the public can be aware of and that they can discuss further. Ald. Hess-Mahan agreed.

Ald. Crossley agreed with Ald. Baker. She is interested in what the procedure would be and she is concerned about a timeline as the Law Dept. is quite busy. Ald. Sangiolo felt they could put together a draft and get it to the Law Department fairly soon. Ald. Crossly wondered what sort of presentation would make sense to educate the community. Ald. Sangiolo said she felt they could go with the global impact concept as well as the local impact. The fact that this is a movement going across the nation is compelling. She didn't feel a major presentation was necessary. Ald. Hess-Mahan wanted to see what local supermarkets.

Ald. Baker felt there should be a relatively simply model ordinance that can be used for discussion. He also feels a presentation would be helpful about the actual impact of plastic bags on the Newton environment, which is significant because of the waterways in the community. This is an educational opportunity. He felt the Chamber of Commerce should be notified. Ald. Rice agreed. He would like to have Shaws involved in the process. He would like to also have someone from a city or town that has already implemented a program to talk about how it has worked for them. Ald. Baker said the Public Works and Recreation Departments could also weigh in on the clean-up costs due to plastic bags. He would also like to find out what some neighboring communities might be thinking or working on in this area.

Ald. Blazar felt a ban would be more effective, with a phase-in period. It's clear that the plastic bags are detrimental and charging a nominal fee would not be an effective deterrent. Ald. Linsky felt an opportunity for public comment was necessary. He would also like to see a subcommittee formed. Ald. Merrill asked to schedule a public meeting. Ms. Cooper said that the Chamber of Commerce has an environment committee and it its planning a green solutions expo as part of Harvest Fair on October 14th. The meeting of the environment committee will be coming up in a

couple of weeks. Ald. Kalis agreed with Ald. Blazar. Ald. Hess-Mahan would like to come up with two different drafts: one that proposes a ban and one that charges a fee.

The Committee voted to hold this item and schedule a public meeting for November 7th.

Respectfully Submitted,
Amy Sangiolo, Chairman